

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

UNITED STATES OF AMERICA)
v.) Criminal Action No. 22-110-CFC
JORDAN DONYELL HARMON,)
Defendant)

GOVERNMENT'S RESPONSE TO
DEFENDANT'S MOTION TO REVOKE DETENTION ORDER

NOW COMES the United States of America, by and through its undersigned attorney and submits that the Detention Order of Chief Magistrate Judge Thyng should be affirmed.¹

PRETRIAL SERVICES REPORT

The Pretrial Services Report (PSR) prepared by USPO Victoria Hislop recommends, “There is no condition or combination of conditions that will reasonably assure the appearance of the defendant as required and the safety of the community.” PSR at 6.

In his bail interview, the defendant, Jordan Donyell Harmon, 24 years old, lied to USPO Hislop, telling her that he is currently prescribed medical marijuana for

¹ The government's argument was proffered at the detention hearing, on November 3, 2022. Transcript at 3-21. Docket Item 19.

Post-Traumatic Stress Disorder. In fact, he has no such prescription and no such mental health history.² PSR at 2.

FAILURES TO APPEAR

The PSR found 13 failures to appear in Harmon's criminal history. PSR at 2.

HISTORY OF SUPERVISION

USPO Hislop interviewed the State Probation Officer (SPO) who presently is supervising Harmon on a misdemeanor criminal mischief conviction.³ The SPO advised that Harmon has been inconsistent with reporting as directed and the SPO has concerns that Harmon is not residing at his mother's residence, as required, all of which caused the SPO to increase supervision from Level 2 (monthly meetings) to Level 3 intensive supervision (including weekly meetings).

NATURE OF THE OFFENSE AND WEIGHT OF THE EVIDENCE

Harmon is charged with straw purchasing a firearm, a serious crime. On July 21, 2020, at 12:27 pm., Harmon bought a Smith and Wesson , .40 caliber semiautomatic pistol for \$419 from First State Firearms, purporting that he was not buying the gun for another person. Twenty hours later, the pistol was seized by Dover police, at the Capital Inn, from Devon Coleman, 35, the target of a Title III

² Harmon also claimed that he graduated high school and that he gives his mother, with whom he resides, \$800 per month for room and board. USPO Hislop interviewed Harmon's mother, who said her son "dropped out" of school in the 10th or 11th grade and contributes nothing for room and board.

³ The defendant apparently damaged a coin-operated laundry mat, after he left something inside and found the business closed.

(drugs and guns) investigation. Among Coleman's intercepted telephone calls were two that he had with Roderick Dixon, the boyfriend of Harmon's sister. The first call was intercepted 10 minutes before Harmon bought the relevant handgun, the second call 30 minutes after the gun was purchased. In the first call, Dixon essentially negotiated to sell to Coleman the handgun Harmon had not yet purchased.⁴ In the second call, Dixon arranged to deliver the gun to Coleman for \$700.⁵ Dixon later made a post arrest statement, during which investigators played for him the second of the two relevant phone calls. Dixon admitted that the

⁴ The telephone call reads, in part:

Dixon: I'm still waiting on him to get down here.
Coleman: But he's definitely coming?
Dixon: Yeah, that's definite.
Coleman: You still can't find out what the situation is?
Dixon: Not yet.
Coleman: Whatever it is, I want it.
Dixon: Yeah, but you ain't paying no outrageous for nothing.....
Coleman: ... as soon as he ...I am on my way. I will be there.
Dixon: I got you. You going to be the first one I call.

⁵ This second call is summarized in Paragraph 5 of the Affidavit to the Criminal Complaint (Case No. 22-355M), which reads, in relevant part:

[Dixon said] "Yo, I got the word he got a nice Ross S and W ...he wants 7 for it...some military issue shit...he said he just came ...from Walmarts...he be coming out of the store, I be telling ... I need but if you going to get something it's got to be quality" [Coleman] asked, "...you think 7 the bottom line?" [Dixon] responded, "Yeah, because basically he getting his off the top for doing it." [Coleman] expressed an interest in making the purchase and asked, "...how soon can I come over?" [Dixon] responded, "Alright, as soon as he pull up I'm going to him to slide over there..." (Your affiant [Det. Cunningham, Dover PD] believes that "he got a nice ...S and W ...he wants 7" is reference to Harmon having a Smith and Wesson firearm, which he's selling for \$700; that "military shit" is a reference to the First State pistol, which your affiant knows is a two-tone handgun with a desert tan colored frame and a black slide; that "Walmart" is a reference to the Walmart store which your affiant knows is .8 miles distant from First State Firearms; that "he be coming out of the store" means Harmon recently exited First State Firearms, and; that "he getting his off the top for doing it" is a reference to Harmon making a profit by straw purchasing the First State pistol.

conversation was between himself and Coleman and that they were talking about the gun Harmon bought that day.

THE DEFENDANT'S POST ARREST STATEMENT

On June 28, 2022, Det. Cunningham, Dover Police Department, arrested Harmon on a state charge related to the above referenced straw purchase.⁶ Harmon made a post arrest statement. Det. Cunningham knew that Harmon bought a total of 18 handguns within a six-month period in 2020.⁷ When asked by Det. Cunningham how many guns he purchased in 2020, Harmon said, "three or four." When confronted with the accurate number, he did not challenge it. Harmon said that never sold or gave a gun to anyone; that he had misplaced some of the guns; that his sister put some of the guns in a storage locker at an uncertain location; that some of his guns were at his mother's home; and that he did not understand how the gun he purchased on July 21, 2020, was at the Capital Inn 20 hours later. Approximately two hours into the interview, Harmon finally admitted that he gave to Dixon the gun he, Harmon, bought on 7/21/20 and that he no longer had any of the 18 guns. He consented to have his cellphone imaged by Det. Cunningham.

⁶ The State Attorney General's Office dismissed its charge after the government filed its Criminal Complaint.

⁷ Exhibit A lists the 18 handguns. Also listed is a 19th gun, purchased on 6/1/2021, which was recovered three months later under circumstances that did not result in any arrest.

DEFENDANT'S CELL PHONE

Harmon's phone has two relevant text conversations. On June 23, 2022, Harmon exchanged text messages with Dixon, offering to straw purchase a gun for him.⁸ On June 26, 2022, Harmon texted his girlfriend, "left want me to buy a pole for him." Investigators know that "left" is Dixon's street name and that "pole" is slang for gun.

Thus, as recent as June of 2022, Harmon still was conspiring to straw purchase guns.

GUNS RECOVERED

Four of the 18 guns Harmon bought in 2020 have been recovered by police. As referenced above, the gun Harmon bought on 7/21/20 was recovered from Devin Coleman, 35, who ultimately was sentenced in Superior Court to 45 years incarceration, suspended after 29 years.

The gun Harmon bought on 9/2/20 was recovered from Jordan Young, 23. On May 3, 2021, police responded to a Harrington home where residents reported their house had been shot up. Police found bullet holes in the house and 20 spent shell casings, a mix of 9mm and .380 caliber. A neighbor's security camera depicted

⁸ Paragraph 5 of the Affidavit to the Criminal Complaint reads, in relevant part:

After the gang greetings were exchanged, Harmon texted, "You got a car?? ...Let's do it. How much you tryn spend? I'll call uh der rq [*real quick*] and see that they got." When Dixon asked, "How long it take you." Harmon texted, "Shi 30 minutes tops...I just be filing out the paper ...An then they put it in the computer and I walk out...LMK [*let me know*] what you doing tho cuz cause you bs me yesterday and I could been somewhere else Makin some bread". Dixon then asked, "...you got some shells...40s and 9s" Harmon answered, "Yea ah my crib."

four men fleeing the scene in a black BMW with a readable tag number. That same night, police traced the BMV to the home of Jordan Young. He was on probation and during an administrative search investigators recovered the Taurus, 9mm semiautomatic pistol (with a fully loaded magazine) that Harmon purchased on 9/2/20. Jordan Young was sentenced to eight years incarceration, suspended after two years.

The gun Harmon bought on 4/19/20 gun was recovered from Amir Brundge, 23. On May 11, 2021, police found the gun in the glove box of a car Brundge was driving. He was a person prohibited and sentenced on January 27, 2022, to eight years incarceration, suspended after one year. Two months later, Brundge was sentenced for a different gun, which was used to shoot a house in Dover, to 25 years incarceration, suspended after three years.

The gun Harmon bought on 4/29/20 was recovered from Lloyd Smith, 22. On November 5, 2021, police found the gun in a glove box of a car, from which Smith fled when the police stopped him. Already having a juvenile handgun conviction, Smith was sentenced to ten years incarceration, suspended after one year.

GANG AFFILIATION

In Harmon's above-referenced, June 23, 2022 text conversation with Roderick Dixon, before asking Dixon's interest in a straw purchase, Harmon and Dixon exchanged gang greetings.⁹

⁹ Paragraph 8 of the Affidavit to the Criminal Complaint reads, in relevant part:

At the detention hearing, the government offered into evidence four photographs, which investigators found on social media, depicting Harmon hand flashing known Crip gang signs. See Exhibit B.

Exhibit C is four pages. The first page is a photo taken by Det. Cunningham of Harmon's left arm, depicting a tattoo of the universal symbol for handicapped, that is, an outline of a person in a wheelchair. The second page is a photo found by investigators on social media, depicting a person, with a blue bandana over his mouth, showing a Crip hand sign. In the background there is the handicapped symbol. The last two pages of Exhibit C are the result of a Google word search for "What Emojis do Crips use?"

The reasonable inference to be drawn from Exhibits B and C is that Harmon is a gang member of the Five Duce Hoover Crips.

HARMON'S ARGUMENT FOR RELEASE

Harmon requests that he be released to reside at his mother's home on electronic monitoring, with she serving as third-party custodian. This same request was denied at the detention hearing.

Near the beginning of the text conversation, [Dixon] texted, "**West m8v3n**" and Harmon responded, "**West gr52vin cuhz**". (Your affiant [Det. Cunningham] recognizes these to be gang greetings, respectively, of the Eight Trey Gangster Crips and the Five Duce Hoover Gangster Crips, which are separate sects of the Crips. As to the Five Duce Hoover Gangster Crips, the gang originated on the west coast, in Los Angeles at 52nd and Hoover Streets - thus, Five Duce Hoover- and gang members variously greet one another, "What's **grooving**?" - thus Harmon texted "West **gr52vin**." ...Your affiant knows that Five Duce Hoover Gangster Crips gang members are active in Delaware, including Dover. As to the text greeting of [Dixon], the Eight Trey Gangster Crips variously greet one another, "What's **moving**?" - thus, "**m8v3n**").

There, the government indicated that it was convinced the defendant's mother was a good person and would be a good third-party custodian to the best of her ability: however, the record shows that she has a job that takes her out of the house and has no control over her son, as he was residing with her during the relevant time. Additionally, Harmon's State Probation Officer voiced concern that Harmon was not residing at his mother's home, as required by the conditions of his release. Also, Harmon's desperate lie that he is prescribed medical marijuana is indicative of his intent to smoke marijuana when released.

WHEREFORE, the government requests that the Court affirm the detention Order of Chief Magistrate Judge Mary Pat Thyng.

DAVID C. WEISS
United States Attorney

By: /s/ Edmond Falgowski
Edmond Falgowski

Dated: December 20, 2022